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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/402,294	10/01/1999	JAMES EDWIN HAILEY	RCA88752	5754

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THOMSON LICENSING INC.
PATENT OPERATIONS
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EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/402,294

Applicant(s)

HAILEY ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 11-13, 17 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 11-13, 17 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9, 11-12, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,018,764 to Field in view of U.S. Patent 5,956,716 to Kenner and U.S. Patent 5,805,153 to Nielsen.

Regarding claim 9, Field discloses a method of processing a broadcasted video signal comprising the steps of:

Separating the video signal into at least two components (column 5, lines 2-22), the first is representative of a TV program video data (column 5, lines 2-22, column 6, lines 7-14) and a second component is HTML/webpage data (column 6, lines 7-14), wherein

Said separation step is preformed using a program map that identifies a first data identifier associated with said TV program and a second data identifier associated with said computer code (column 5, lines 2-22, column 6, lines 7-14, column 7, lines 27-41)

Decoding the said TV program video data (column 7, lines 1-12),

Processing said HTML data into image data capable of being displayed (column 7, line 60-column 9, line 4).

Field is silent regarding the use of JAVA based computer code data, the JAVA data corresponding with said TV program data ,and formatting the decoded video and computer code data into a composite image wherein the proportion of said video image contributed JAVA based computer code is rendered in response to an instruction.

Kenner discloses a n MPEG system in which JAVA, HTML and other data may be transmitted within an MPEG stream for presentation to the user in a manner synchronized with the video portion via a browser (column 32, lines 8-17, 51-column 33, line 11). The video data may included access restrictions or expiration dates in order to limit access only to paid subscribers (column 33, lines 37-column 34, line 4).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Field to utilize the browser, JAVA data, synchronization features, and access features as taught by Kenner, for the advantage of enabling a user to learn more about a video segment and protect a program providers revenue stream by limiting access to paying customers.

The combination of Field and Kenner is silent with regards formatting the proportion of JAVA based computer code in response to an instruction.

Nielsen discloses a viewing system in which a user can resize a browser window by grabbing a corner of the browser window, at a time of their own choosing in order to increase the readability of the supplemental content (column 5, lines 35-48), the manipulations are preformed using a JAVA applet (column 5, lines 50-62).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combination of Field and Kenner to utilize the resizing features as taught by Nielsen for the advantages of increasing readability.

Regarding claim 11, Kenner is relied upon to determine whether a user is authorized to access the TV video image data and the decoding occurs in response to the authorization (column 33, lines 38-64).

Regarding claim 12, see claim 11, Additionally Kenner discloses that a user may input a password prior to accessing pay per view content (column 34, lines 5-28).

Regarding claim 17, Nielsen discloses a JAVA enabled browser window, which may be resized by the user.

The combination of Field, Kenner and Nielsen fails to disclose varying the proportion of the video image contributed by the JAVA computer code is a percentage capable of being selected from any integer value between 0 and 100.

The Examiner takes official notice that browser window resizing is notoriously well known in the art. For example, windows 95, released in 1995, allows any window, including web browser windows to take up the entirety of a screen or to not be displayed at all through the use of a minimize command, in order to adjust the readability of the display content and enable multitasking.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Field, Kenner and Nielsen to resize the JAVA computer code window, for the advantages of adjusting the readability of the display content.

Regarding claim 21, The combination of Field and Kenner teaches rendering JAVA code as part of a webpage (Kenner column 32, lines 8-17, 51-column 33, line 11).

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,018,764 to Field in view of U.S. Patent 5,956,716 to Kenner and U.S. Patent 5,805,153 to Nielsen in further view of U.S. Patent 6,177,931 to Alexander.

Regarding claim 13, The combination of Field, Kenner and Nielsen discloses receiving web page information for display.

The combination of Field, Kenner and Nielsen fails to disclose receiving program guide information and receiving web page information, which was selected from the received program guide information.

Alexander discloses an EPG in which a user can navigate to a website in order to learn more about a particular program or product which was displayed within the EPG (column 17, line 50-column 18, line 54, column 20, lines 13-37) thus informing a user more about a particular program or product and allowing the user to discuss a topic with other users via a chat.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Field, Kenner and Nielsen to utilize the EPG and web features of Alexander, for the advantage of enabling a user to learn more about a particular program or product or converse with other users via a chat.

Conclusion

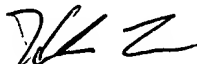
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HBL


Hunter Lorcherry
Patent Examiner
Art Unit 2623